

## DECISION ON APPLICANT REQUEST FOR RECONSIDERATION

Under section 60851 of title 2 of the California Code of Regulations, if the Bureau of State Audits or the Applicant Review Panel decides to exclude or remove an applicant from the pool of applicants being considered for selection to the Citizens Redistricting Commission, the applicant may, no later than 10 days after the date of the notification of exclusion or removal, request reconsideration of the decision if the decision was the result of an error relating to:

- Having a conflict of interest;
- Failing to satisfy the eligibility requirements for serving on the commission; or
- Failing to comply with the procedural requirements of the application process.

Name of the Applicant/Requestor: William D. Esselstein.

Date of the notice of exclusion or removal: March 23, 2010.

Date the request for reconsideration was received: March 24, 2010.

Description of the alleged error that caused the exclusion or removal: Applicant incorrectly stated in Part 3 of the supplemental application that in 2009 his daughter and son in-law, with whom he has a bona fide relationship, each engaged in an activity within the past ten years that causes Applicant to have a conflict of interest that makes him ineligible to serve as a member of the Citizens Redistricting Commission.

**Request for reconsideration is:** Granted.

Reason for granting or denying the request: When answering "yes" to the question on the application that asks whether, within the past ten years, his daughter and son in-law have engaged in any of the activities that would cause Applicant to have a conflict of interest under the Voters FIRST Act, Applicant went on to describe the activity as his daughter and son in-law contributing about \$2,000 of their own money in 2009 to the daughter's campaign for election to the Hillsborough City School District Board of Trustees. Although the daughter's contributions to her own campaign for local public office cannot create a conflict of interest under title 2, California Code of Regulations, section 60814, subdivision (a)(3), this would still leave the issue of whether the son in-law has caused Applicant to have a conflict of interest due to making a contribution to the daughter's campaign, as it is unclear from the facts to whom the contribution would be attributed. However, in his request for reconsideration, Applicant affirmed that the total amount of the contributions by his daughter and son in-law in 2009 to the daughter's campaign was only \$1,250, which is obviously below the \$2,000 contribution amount necessary to trigger a conflict of interest. It therefore appears that Applicant should not be excluded from the applicant pool.

Applicant's current status: Included in the supplemental applicant pool.

Name and title of person making decision: Steven Benito Russo, Senior Staff Counsel.

Date of decision: April 7, 2010.